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January 31, 2018

National Freedom of Information Officer
U.S. Environmental Protection Agency (“EPA”)
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Document Request Pursuant to the Freedom of Information Act

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended, and 10 C.F.R. § 1004, the undersigned requests that the EPA Office of Transportation and Air Quality (“OTAQ”) provide certain records prepared by, for, or submitted to EPA between January 1, 2006 and December 31, 2017 pursuant to the Renewable Fuels Standards (RFS) program, 42 U.S.C. § 7545(o), and EPA regulations at 40 C.F.R. §§ 80.1400 – 80.1474.

More specifically, I request records related to the so called “small refiner and refinery exemption” and associated adjustments to renewable volume obligations and applicable percentages under the RFS, as provided for 42 U.S.C. § 7545(o)(3)(C)(ii), and 40 C.F.R. § 80.1441, including, but not limited to, any and all records on the following:

- (i) For each year from 2011 through 2017, the name, location, and barrel per day output of all small refiners and small refineries that EPA excluded from the overall non-renewable gasoline and diesel volumes used to determine applicable percentages for the renewable volume obligations;
- (ii) The total number of gallons of renewable fuel blended by small refiners that EPA included in making small refiner adjustment to the RFS Volume Obligation for each year from 2011 through 2017;
- (iii) Records related to EPA calculation of the small refiner and small refinery exemptions prior to 2011, including but not limited to:
 - a. For each year from 2007 through 2010, the name, location, and barrel per day output of all small refiners and small refineries that EPA excluded from the overall non-renewable gasoline and diesel volumes used to determine applicable percentages of renewable volume obligations;

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- b. Any documents to support EPA's decision to not adjust the RFS volume obligation for each year from 2007 through 2010 by the volume of renewable fuel that small refiners and small refineries blended;
- c. Record entitled, *Calculation of the Small Refiner/Small Refinery Fraction for the Renewable Fuel Program*, Memorandum to the docket [EPA-HQ-OAR-2005-0161] from Christine Brunner, ASD, OTAQ, EPA September 2006;
- (iv) Any Subsequent calculations of the Small Refiner/Small Refinery Fraction for the Renewable Fuel Program (*i.e.*, from 2007 -2017.)

As used in this request, "records" includes documents, reports, data, correspondence, studies, e-mail messages, and memoranda, whether electronic or paper copy. To the extent that you consider any portions of any records within the scope of this request to be exempt from disclosure, please identify such portions of records and the basis for not providing them, and produce all non-exempt materials.

We are willing to pay reasonable fees associated with processing this request of up to \$200.00 without further authorization. Please contact me if you anticipate that the fees associated with processing this request will exceed that amount. I may be reached at 202-416-5528 or marslanian@akingump.com.

Please get back to me at your earliest convenience regarding this request.

Sincerely,



Maral Arslanian